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SIPDIS

AF/C FOR LISA KORTE

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SUBJECT: GABON: NO DATE YET FOR PRESIDENTIAL ELECTION, BUT
PLANNING HAS BEGUN

Classified By: Ambassador Eunice Reddick for reasons 1.4 (b) and (d)

Summary

¶1. (C) Preparations for Gabon's presidential election are underway, including the revision of electoral lists and determining the number of local electoral commissions. However, an election date has not yet been determined and there is broad agreement across the political spectrum that more time is needed than the constitutionally-mandated 30 to 45 days. While opposition parties are pressing for a longer election timeframe to organize and ensure transparency) up to six months) the ruling PDG will be satisfied with 90 days or less to muster party cadre and dispense campaign funds throughout the country. The Minister of Interior and Local Authority, who is responsible for election planning, met with ruling and opposition party leaders July 1 to review plans for a timetable. Drawing from our discussions with the President of the Constitutional Court, Minister of Defense Ali Bongo, Minister of Interior Jean Francois Ndongou and political and civil society leaders, the election is likely to occur within 90 days of June 9) the date the Constitutional Court determined the office of the presidency was officially vacant following President Bongo,s death on June 8. End Summary.

¶2. (U) The Ambassador and poloff have reached out to Gabonese government, political and civil society leaders to gauge the level of planning and issues being debated for the upcoming presidential election. The Ambassador met recently with President of the Constitutional Court Marie-Madeleine Mborantsuo; Minister of Defense and not-yet-announced presidential candidate Ali Bongo; Minister of Interior and Local Authority Jean Francois Ndongou; and Minister for Development, Public Performance, Prospects and Statistics Anaclet Bissielo (a former opposition leader now considered an independent and also a possible candidate for the presidency). Poloff spoke to Marc Ona, chair of the NGOs "Brainforest" and "Publish What You Pay," and a participant in the June 26 civil society dialogue with Interim President Rose Francine Rogombe.

Local and Overseas Electoral Commissions Set

¶3. (SBU) Gabon's government and political leaders are moving quickly to advance preparations for the presidential election. Ballot boxes and locks are in-place throughout the country due to the local elections in 2007. Interior Minister Jean Francois Ndongou told the Ambassador July 2 they would need to be tested and broken boxes repaired. Ndongou also said that he does not expect funding for the election to present a problem. In her June 30 discussion with the Ambassador, Constitutional Court President Mborantsuo said she had requested the Minister of Finance to

advance a tranche of funds to jump start election preparations. According to several legislators, before ending its session June 30, the National Assembly approved a revised budget and took into account funding for the election.

¶4. (SBU) On July 3, the Council of Ministers set the number of local and consular Electoral Commissions for the election.

Of the 121 Commissions, 39 are located overseas in Gabon's embassies and consulates (a total of 3 in the U.S.) and 81 are located within Gabon. The Commissions will play an important role in the revision of the electoral lists. The lists will be sent to the commissions to ensure that among the revisions new voters over the age of 18 are added and the deceased are deleted. Gabonese living overseas will be able to register and vote at the consular commissions.

¶5. (SBU) Under the supervision of the Interior Ministry, elections are usually held only after the lists of registered voters have been revised and displayed for possible objections and claims. According to the Interior Ministry's plan, the electoral list will be revised between July 4 and 14, with a further period for corrections to be made before the lists are passed to the National Autonomous and Permanent Electoral Commission (CENAP) by July 28. (Note: As of July 6, work on revising the electoral lists had not yet begun.)

Accuracy of Electoral Lists in Question

¶6. (SBU) Constitutional Court President Mborantsuo acknowledged that the lists have been controversial in past

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elections because of inaccuracies, including duplications and "ghost" voters. Also, the electoral lists have not been revised annually as mandated under election laws. However, according to Mbarantsuo, representatives of all political parties and community organizations will participate in revising and reviewing the lists to improve their accuracy. She was confident that the lists could be revised within two weeks.

¶7. (C) Interior Minister Ndongou asserted that the lists only needed to be "updated" and not "revised." He pointed out that the complaints from National Assembly members are, according to him, hypocritical since they are arguing against the same lists that helped them into office. He also noted that while the government had failed in its responsibility for updating the list in the past year, it is also up to the citizens of Gabon to register themselves to ensure an accurate voter list. Separately, Development Minister Anaclet Bissielo remarked that the question of the accuracy of the electoral list is likely to linger well past the presidential election.

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Extension of Election Preparation Period Likely
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¶8. (SBU) The Interior Minister met with ruling and opposition party leaders July 1 to review plans for a timetable. However, a date for the election has not yet been determined. Opposition parties and the ruling Democratic Party of Gabon (PDG) generally agreed that the 30 to 45 day constitutionally-mandated preparation period following the June 9 announcement of the vacancy of the presidency is not long enough. The opposition is requesting an extra three to six months, while the PDG is calling for elections within 90 days of the June 9 vacancy announcement.

¶9. (C) Constitutional Court President Mbarantsuo said that many ruling and opposition party leaders had visited her to lobby for various timeframes for the election. She said she urged the government to begin preparations on the basis of the constitutionally-mandated 30 to 45 day period. She

stressed, however, that it was likely the government would ask the Court for a decision under article 13 of the Gabonese Constitution to determine that a situation of *force majeure* existed because of President Bongo's death and the subsequent 30 day mourning period. Mbarantsuo noted that the first 15 days of the 30-day mourning period were "lost" in critical preparation time.

¶10. (C) Ministers Ndongou and Bissielo both echoed Mbarantsuo's thoughts on *force majeure* and the need for more time. Ndongou noted that the government was on official holiday to observe Omar Bongo's funeral three days during the mourning, underscoring the need for extra time. Bissielo expressed what has become a commonly held view among the opposition and independents that extra time granted by invoking article 13 would allow for better transparency in the electoral process.

30-45 Day Extension, per French Jurisprudence

¶11. (C) Court President Mbarantsuo told the Ambassador that if an extension under *force majeure* is allowed, it should not exceed the mandated maximum 45 day period. Using an interpretation based on French jurisprudence, per Mbarantsuo, the extension should be no longer than the original time period stated in the Constitution. She said Gabon could only be assured of a peaceful transition if the Constitution was followed as closely as possible. The situation presented by the death of President Bongo was unprecedented, but the Constitution provided guidance. As Interim President, Rose Francine Rogombe did not have the mandate of the people and should not continue in office much beyond the 45 days mandated by the Constitution. The Constitution provided for a specific transition period so that an elected President could assume leadership. She remarked that once measures were taken that strayed from the Constitution, then a "Pandora's box" could open to possible extra-legal action. Mbarantsuo emphasized that Gabon's peace and stability were at stake and her responsibility was to uphold the Constitution.

¶12. (C) The Interior Minister used a similar interpretation, saying that an extension of 30 to 45 days is all that could be allowed *in the spirit of the constitution*.⁸ The elections, according to Ndongou, will occur *no earlier than August 15 and no later than September*

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20.8 Minister Bissielo said that public confidence in Gabonese institutions would be undermined if *force majeure* allowed more than an additional 45 days. Hewing to a similar line, Interim President Rogombe commented in her July 2 RFI interview that the Constitution had to be respected because a departure from it could lead to problems.

¶13. (C) Notably, Mbarantsuo and Ndongou were not above making a political point on the issue of extending the election period. Both mentioned that during the National Conference in 1990, the opposition pressed for a 30 day period to prepare for an election while the ruling party argued for 90 days. The 30 to 45 day period adopted in the 1991 Constitution reflected the compromise reached at the Conference.

¶14. (C) So far, Defense Minister Ali Bongo is the only government and PDG official who has predicted the election will be held within the 45 day period. At the end of a ceremonial event on July 1, the Minister pulled the Ambassador aside to comment that the PDG will hold its congress and choose a candidate on July 9, a two-week campaign will begin July 14, and the election will be held July 23. (COMMENT: Bongo may be correct about the PDG conference -- it will be held the week of July 6. But a two week campaign leading to a July 23 is not likely.

Nonetheless, Bongo's supporters are already wearing
tee-shirts for their candidate and rallying in small numbers.
EN COMMENT)

¶15. (C) Civil society is lining up with the opposition and
pushing for a longer preparation period. Mark Ona told
Poloff on June 30 that a minimum of three months would be
needed to adequately organize the election, with a preference
for six months. He admitted, however, that six months was
not realistic and that the opposition parties would propose
an extra 90 days and hope it accepted as a reasonable
compromise.⁸ Ona added that each day that goes by means the
opposition has more time to organize and raise funds and the
ruling PDG is more likely to pull itself apart in internal
fighting.

COMMENT

¶16. (C) With slippage in the revision of the electoral lists,
the case is developing for a "force majeure" decision from
the Constitutional Court. While the President of the Court
maintains a strong position upholding the Constitution and is
respected by Gabonese political elite as well as the
man-on-the-street for it, nevertheless it is widely
acknowledged that the ruling PDG -- especially Minister Bongo
-- stands to benefit from a speedy election. The ruling
party has a massive war chest and a bureaucracy throughout
the country that can be mobilized in days. Opposition,
independent and civil society candidates might have access to
funds from wealthy backers but they will need to develop
campaign networks -- a process that cannot be achieved
overnight. We expect the Council of Ministers could as early
as this week ask the Constitutional Court for a decision on
"force majeure," leading to an extension that could set the
election for the late July to early September timeframe. END
COMMENT.
REDDICK